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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/603,339
Filing Date: June 26, 2000
Appellant(s): STROTHMANN ET AL.

CATHERINE A. FERGUSON
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 07/28/08 appealing from the Office action mailed 07/26/07.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,580,870	KANAZAWA ET AL.	6-2003
6,678,006	VELEZ ET AL	1-2004
6,370,323	ADOLPH ET AL	4-2002
6,344,836	SUZUKI	2-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-3, 5, 6, 9-11, 14-17 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kanazawa et al (6,580,870)** in view of **Velez et al (6,678,006)** previously cited and further in view of **Adolph et al (6,370,323).**

As to claims 1-3, note the **Kanazawa** reference figures 1-2, discloses systems and methods for reproducing audiovisual information with external information and further discloses a method for providing graphics for display, the claimed method comprises the following:

Receiving a bitstream (Set top box 'STB' or IRD, 'a digital interface' col.8, lines 48-65) including an MPEG compliant program bitstream and a DVD subpicture compliant bitstream (figs.1-2 and 12, col.4, line 45-col.5, line 34 and col.7, lines 11-30);

Extracting (CPU-1, col.6, lines 32-col.7, line 10) and decoding (MPEG-Decoder 112, col.10, line 55-col.11, line 15) the MPEG compliant bitstream to generate a program image signal (figs.10A-13C, 19A-B, col.14, lines 40-54 and col.15, lines 32-67);

Extracting (CPU-1) and decoding (MPEG-Decoder 112, col.10, line 55-col.11, line 15) DVD subpicture compliant bitstream to generate a graphic image signal (col.17, line 50-col18, line 23) and buffering at least one of the DVD subpicture compliant bitstreams (col.14, lines 40-54 and col.15, lines 11-18);

Combining the program image signal and the graphic image signal to provide and output display signal (VGA Controller 113, 'a display processor' col.14, line 55-col.15, line 31),

Kanazawa discloses storing titles information and information management table (MEG-2 video, audio, subpicture, etc.,) on DVD (40) and displays individual streams (ST-1 to ST-2) with an interactive region that when selected (Web Mark) causes display of other DVD subpicture graphics associated with the subpicture compliant bitsreams (figs.10A-13C, col.4, line 50-col.5, line 63, col.6, line 14-col.7, line 46 and col.14, line 40-col.16, line 40), note that MPEG bit data and DVD bit data and transmitting over Internet to a receiver and furthermore discloses embodiment where the invention is applied to TV broadcasting or CATV network, where a provider transmits the bitstream and a STB or IRD with an MPEG Decoder/DVD Decoder 112 decodes the bitstream and reproduces the video, audio, subpicture, etc.

Kanazawa fails to explicitly teach where a portion of the DVD subpicture compliant bitstream is repeated in the received bitstream.

However, **Velez** discloses method and apparatus for video processing that includes DVD sub-picture scaling where the subpicture bitstream repeats within a received stream (figs.1-5, col.2, line 48-col.3, line 58).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Velez into the system of Kanazawa to provide constant movement of the information across the screen of the display, thereby drawing the attention of the user to the moving or scrolling information.

Kanazawa as modified by Velez, fail to explicitly teach interactive regions within the subpicture.

However, note the **Adolph** reference figures 1-4, discloses and audio and video decoder for decoding audio, video and sub-picture from DVD bitstream with a plurality of interactive regions within the decoded subpicture to display other presentation information (col.6, line 64-col.7, line 33, line 41-55 and col.8, line 27-col.9, line 9).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Adolph into the system of Kanazawa as modified by Velez to provide interactive regions within the subpicture to additional draw the attention of the user to the interactive regions to enable the user to interact directly to the interactive regions within the subpicture to retrieve additional information.

As to claim 5, Kanazawa further discloses where the DVD subpicture compliant bitstream comprises an MPEG still image (col.5, lines 1-54 and col.11, line 16+)

As to claim 6, Kanazawa further discloses where the DVD subpicture compliant bitstream comprises a program guide (col.5, lines 1-54).

Claim 9 is met as previously discussed with respect to claim 1

As to claim 10, the claimed "a video signal processing apparatus…" is composed of the same structural elements that were discussed in the rejection of claim 1.

As to claim 11, Kanazawa further discloses where the receiving means comprises a digital interface and a demodulator coupled to the digital interface and the MPEG decoder (figs.1, 16, 17, col.4, lines 42-62, col.12, line 4-9 and col.14, line 16-65).

Claim 14 is met as previously discussed with respect to claim 3.

Claim 15 is met as previously discussed with respect to claim 1.

Claim 16 is met as previously discussed with respect to claim 3.

Claim 17 is met as previously discussed with respect to claim 6.

As to claim 19, the claimed "a video signal processing apparatus…" is composed of the same structural elements that were discussed in the rejection of claim 1.

As to claim 20, Kanazawa further discloses where the bitstream from the remote signal source further comprises at least a two MPEG compliant program bitstreams transmitted substantially concurrently by the remote signal source (col.5, lines 1-54 and col.11, line 16+ and col.14, line 40-col.16, line 40).

Claims 12-13, are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kanazawa et al (6,580,870)** in view of **Velez et al (6,678,006)** and further in view of **Adolph et al (6,370,323)** as applied to claim 10 above**,** and further in view of **Suzuki (6,344,836).**

As to claim 12, Kanazawa as modified by Velez and Adolph, fail to specifically teach where the digital interface is IEEE 1394 digital Interface or a USB digital interface.

However, note **Susuki**, reference figure 1, disclose an information browsing system with one system device and a plurality of displays connected to the system device 10 via USB digital interface or IEEE-1394 (fig. 1 and col. 5, lines 10-23 and col.6, lines 6-20).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Suzuki into the system of Kanazawa as modified by Velez and Adolph to provide and high speed interface that transfers good quality video with low bandwidth and easily connects devices together.

(10) Response to Argument

The Examiner respectfully disagrees that the rejection should be reversed.

Appellant recites the claim 1 limitations (see page 6+ of Appellant's Brief), discusses the prior arts of record and further argues that "Kanazawa, Velez and Adolf, whether taken alone or in combination, fail to teach or suggest the features of claim 1…" that

"…Kanazawa does not suggest the claimed features of a 'a DVD subpicture compliant bitstream is repeated in the received bitstream'" that "Velez does not disclose or suggest the features in question" that "…the proposed combination of references teaches away from the present invention," etc.

In response, Examiner disagrees. Examiner notes Appellant's arguments, however, Appellant's traversal of the combination of references is primarily from Appellant mischaracterization of the primary reference Kanazawa. Kanazawa discloses Set top box 'STB' or IRD, 'a digital interface' which receives a bitstream (col.8, lines 48-65) including an MPEG compliant program bitstream and a DVD subpicture compliant bitstream (figs.1-2 and 12, col.4, line 45-col.5, line 34 and col.7, lines 11-30); CPU-1 which extracts (col.6, lines 32-col.7, line 10) and decodes (MPEG-Decoder 112, col.10, line 55-col.11, line 15) the MPEG compliant bitstream to generate a program image signal (figs.10A-13C, 19A-B, col.14, lines 40-54 and col.15, lines 32-67); extracts and decodes (MPEG-Decoder 112, col.10, line 55-col.11, line 15) DVD subpicture compliant bitstream to generate a graphic image signal (col.17, line 50-col.18, line 23) and buffers at least one of the DVD subpicture compliant bitstreams (col.14, lines 40-54 and col.15, lines 11-18) and further combines the program image signal and the graphic image signal to provide and output display signal (VGA Controller 113, 'a display processor' col.14, line 55-col.15, line 31). Kanazawa discloses storing titles information and information management table (MEG-2 video, audio, subpicture, etc.,) on DVD (40) and displays individual streams (ST-1 to ST-2) with an interactive region that when selected (via a Web Mark) causes display of other DVD subpicture graphics associated with the

subpicture compliant bitreams (figs.10A-13C, col.4, line 50-col.5, line 63, col.6, line 14-col.7, line 46 and col.14, line 40-col.16, line 40). Kanazawa clearly illustrates in the various figures MPEG bit data and DVD bit data as bitstreams transmitted over Internet to a receiver and furthermore discloses embodiment where the invention is applied to TV broadcasting or CATV network (col.8, lines 48-65 and col.14, line 40-col.15, line 57), where a provider transmits the bitstream and a STB or IRD with an MPEG Decoder/DVD Decoder 112 decodes the bitstream and reproduces the video, audio, subpicture, etc. Kanazawa is silent as to where a portion of the DVD subpicture compliant bitstream is repeated in the received bitstream. However, in the same field of endeavor, **Velez** discloses method and apparatus for video processing that includes DVD sub-picture scaling where the subpicture bitstream repeats within a received stream (figs.1-5, col.2, line 48-col.3, line 58). Velez clearly shows in the cited column that DVD subpicture data are decoded, reproduced and repeated in a given block, e.g. a frame, a field, a plurality of frames or fields. Kanazawa as modified by Velez, fail to explicitly teach interactive regions within the subpicture. However, in the same field of endeavor **Adolph** discloses in figures 1-4, an audio and video decoder for decoding audio, video and sub-picture from DVD bitstream with a plurality of interactive regions within the decoded subpicture to display other presentation information (col.6, line 64-col.7, line 33, line 41-55 and col.8, line 27-col.9, line 9). Hence the combination is proper, meets all the claim limitations and should be sustained.

It should also be noted that all elements of the claims were shown in the prior art (as shown above) and that the references could have been combined by well known

programming or electrical connections with no change to their respective functions. This is what the Supreme Court said was a prima facie case of obviousness in *Teleflex v. KSR* since it would yield the predicted result of repeating data that is often needed for information.

Appellant further recites limitations of claim 10 (see page 9+ of Appellant's Brief) and further argues that "...the proposed combination of Kanazawa, Velez and Adolf…" is not proper and should be withdrawn.

In response, Examiner disagrees. Examiner notes Appellant arguments, however for the same reasons discussed above in claim 1, Examiner maintains the rejection is proper, meets all the claim limitations and should be sustained.

Appellant further recites limitations of claim 19 (see page 10+ of Appellant's Brief) and further argues that "...the proposed combination of Kanazawa, Velez and Adolf…" is not proper and should be withdrawn.

In response, Examiner disagrees. Examiner notes Appellant arguments, however for the same reasons discussed above in claim 1. Examiner maintains the rejection is proper, meets all the claim limitations and should be sustained.

Appellant further discusses the prior art Suzuki (see page 11+ of Appellant's Brief) and further argues that "...the proposed combination of Kanazawa, Velez and Adolf and further in view of Suzuki…" is not proper and should be withdrawn.

In response, Examiner disagrees. Examiner notes Appellant arguments, however, Kanazawa as modified by Velez and Adolph, fail to explicitly teach where the

digital interface is IEEE 1394 digital Interface or a USB digital interface. However, in the same field of endeavor **Susuki**, reference figure 1, discloses an information browsing system, with one system device and a plurality of displays connected to the system device 10 via USB digital interface or IEEE-1394 (fig. 1 and col. 5, lines 10-23 and col.6, lines 6-12. Hence the rejection is proper, meets all the claims limitations and should be sustained.

Appellant further concludes that "…claims 1-3, 5, 6, 9-17, 19 and 20 are not anticipated by or render obvious over, the prior art cited in the various claims..." (see page 11+ of Appellant's Brief).

In response, Examiner disagrees. Examiner maintains the combination is proper and should be sustained. Appellant is reminded that a reference can be relied upon for all that would have reasonably suggested to one of ordinary skill in the art, including non-preferred/preferred embodiments. As clearly illustrated in the disclosure of Kanazawa in the various embodiments, Kanazawa meets all the claim limitations as discussed above and the only teaching absent from Kanazawa, as discussed above, is clearly met by the teaching of Velez, Adolf and Suzuki. Hence the combination of the various references is deemed proper, meets all the claims limitations and should be sustained.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Annan Q Shang/

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